APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,063	12/30/2003	Daryl Carvis Cromer	RPS920030218US1	8312

61755 7590 03/17/2008	EXAMINER
Kunzler & McKenzie	MUSA, ABDELNABI O
8 EAST BROADWAY, SUITE 600	
SALT LAKE CITY, UT 84111	

ART UNIT	PAPER NUMBER
2146	

MAIL DATE	DELIVERY MODE
03/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/748,063	CROMER ET AL.
	Examiner	Art Unit
	ABDELNABI O. MUSA	2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 December 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-5,8,10,12-14,16,20-24 and 27-30</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-5,8,10,12-14,16,20-24 and 27-30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>30 December 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>12/30/2003</u>.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

1.   Acknowledgment is made for the applicant's response and amendment filed on

12/19/2007

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

2.   Claim(s) 1, 3-5, 8, 10, 12-14, 16, 20-24, and 27-30 are rejected under 35

U.S.C. 103(a) as being unpatentable over Smith Pub. No.: (US 2005/0263591 A1) and

in view of Connery et al. Patent No. (US 6,570,884 A1)

As per **claim 1**, smith techs an apparatus for verifying an interface address (an

apparatus to identify devices and verifyID addresses in a network, Abstract; [0170];

[0190]; [0155]; FIGs. 5, 8, 9), the apparatus comprising:

a communication module (203) in electrical communication with a network, the

communication module configured with an interface address (interface address

identifier [0024]; [0030] [0070]; [0096] also communications between

processing systems though a network [0024]; [0029]; [0033]; [0069]), wherein the

interface address is an Ethernet media access controller address and the

communication module is an Ethernet network interface card, the communication

module further configured to communicate the interface address in response to a

query (query command to specify device's location based on their address [0005-0007];

FIG. 6); and

a logic module (315) 3in electrical communication with the communication

module, the logic module configured to query the communication module, and to

receive the interface address from the communication module (receive tags to identify

devices and configure them among a plurality of devices [0006]; FIG. 1), the logic

module further configured to determine whether the interface address is invalid, and to

mitigate an invalid interface address (once the programID command is validated, the

tag executes the required programming memory [0133]; [0138]; interface address

identifier [0024]; [0030] [0070]; [0096]) by deactivating the network. Smith does not

teach the *specifics* on determining whether an Ethernet media access controller

address is invalid and deactivating a network based on the address validity. Also does

not teach the specifics wherein the interface address is an Ethernet media access

controller address and the communication module is an Ethernet network interface card.

However, Connery teaches an Ethernet media access controller and its address validity

in the network environment and teaches the interface address is an Ethernet media

access controller address in the communication module containing Ethernet media

access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the

time the invention was mad to have modified Smith by the teaching of Connery because

a media access control unit is configured for network having a certain data rate set
including speed scheme and containing instruction that are executed on the network
interface card to determine the validity of the device address. One would consider
deactivating a network by justifying the address.

     Claim 2. (Canceled)

     As per **claim 3**, Smith teaches the apparatus of claim 1 (an apparatus to identify
devices and verifyID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIGs. 5,
8, 9), wherein the interface address is determined to be invalid if the interface address is
outside of a specified interface address range (interface protocol collide when tags are
not within the range of the message [0003]; [0043]; [0046]; [0117]; [0167]).

     As per **claim 4**, Smith teaches the apparatus of claim 1 (an apparatus to identify
devices and verifyID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIGs. 5,
8, 9), wherein the interface address is determined to be invalid if the interface address is
a specified error value (error value and validity of tags within the interface address,
errors management and data errors [0006]; [0007]; [0070]; [0076])

     As per **claim 5**, Smith teaches the apparatus of claim 1 (an apparatus to identify
devices and verifyID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIGs. 5,
8, 9), wherein the interface address is determined to be invalid if the interface address is

received after a specified time interval (specified time interval and interface address

range, master clock interval [0155]; [0199]; [0204])

Claim 6. (Canceled)

Claim 7. (Canceled)

As per **claim 8**, smith techs an interface device (I/O interface devices and

communication devices [0029] [0073] [0224]), the device comprising:

an interface communication module in electrical communication with a

network, the interface communication module configured with an interface

address (communication between processing systems though a network [0024]; [0029];

[0033]; [0069]), wherein the interface address is an Ethernet media access controller

address and the interface device is an Ethernet network interface card, the

interface communication module also configured to receive a query and to

communicate the interface address responsive to the query (query command to specify

device's location based on their address [0005-0007]; FIG. 6), the interface

communication module further configured to receive a termination command

(commands to reply or deny a query reply [0005]; [0006-0007]; [0039]; FIGs. 2-4); and

an interface logic module configured to terminate communications between the

interface communication module and the network responsive to the termination

command (communication to processing system through a network and protocol

communication and protocol connection processes [0024]; [0027]; See respective FIGs)

Smith does not teach the *specifics* on determining whether an Ethernet media access

controller address is invalid and deactivating a network based on the address validity.

Also does not teach the specifics wherein the interface address is an Ethernet media

access controller address and the communication module is an Ethernet network

interface card. However, Connery teaches an Ethernet media access controller and its

address validity in the network environment and teaches the interface address is an

Ethernet media access controller address in the communication module containing

Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the

time the invention was mad to have modified Smith by the teaching of Connery because

a media access control unit is configured for network having a certain data rate set

including speed scheme and containing instruction that are executed on the network

interface card to determine the validity of the device address. One would consider

deactivating a network by justifying the address.

Claim 9. (Canceled

As per **claim 10**, smith techs a system for verifying an interface address (an

identification system to identify devices in a network [0005]; [0008]; [0011]; [0023] See

related FIGs), the system comprising:

a network (a network for communications [0024]; [0225]; FIG.1);

an interface device in electrical communication with the network, the interface device configured with an interface address, (communication between processing systems though a network [0024]; [0029]; [0033]; [0069]) wherein the interface address is an Ethernet media access controller address and the interface device is an Ethernet network interface card, the interface device further configured to receive a query and to communicate the interface address responsive to the query; and

a verification device in electrical communication with the network (a communication device to identify devices and verifyID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIGs. 5), the verification device configured to communicate the query to the interface device and to receive the interface address (interface address identifier [0024]; [0030]; [0033]; [0048]; [0070]; [0096])from the interface device, the verification device further configured to determine whether the interface address is invalid and to mitigate the invalid interface address by deactivating the network (upon receipt of a valid programID command, the tag executes the required programming memory [0133]; [0138]). Smith does not teach the *specifics* on determining whether an Ethernet media access controller address is invalid and deactivating a network based on the address validity. Also does not teach the specifics wherein the interface address is an Ethernet media access controller address and the communication module is an Ethernet network interface card. However, Connery teaches an Ethernet media access controller and its address validity in the network environment and teaches the interface address is an Ethernet media access controller address in the communication module

containing Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67;

FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the

time the invention was mad to have modified Smith by the teaching of Connery because

a media access control unit is configured for network having a certain data rate set

including speed scheme and containing instruction that are executed on the network

interface card to determine the validity of the device address. One would consider

deactivating a network by justifying the address.

Claim 11. (Canceled)

As per **claim 12**, smith techs the system of claim 10, wherein the interface

address is determined to be invalid if the interface address is outside of a specified

interface address range (interface protocol collide when tags are not within the range of

the message [0003]; [0043]; [0046]; [0117]; [0167]

As per **claim 13**, smith techs the system of claim 10, wherein the interface

address is determined to be invalid if the interface address is a specified error value

(error value and validity of tags within the interface address, errors management and

data errors [0006]; [0007]; [0070]; [0076])

As per **claim 14**, smith techs the system of claim 10, wherein the interface address is determined to be invalid if the interface address is equivalent to a second interface address (equivalence technique for query command to determine the validity of the of the tag [0046])

Claim 15. (Canceled)

As per **claim 16**, smith techs a computer readable storage medium comprising computer readable code for verifying an interface address (computer readable media to process data systems [0008]; [0224]), the computer readable code configured to:

query an interface address (query command to specify device's location based on their address [0005-0007]; FIG. 6), wherein the interface address is an Ethernet media access controller address of an Ethernet network interface card; receive the interface address (receive tags to identify devices and configure them among a plurality of devices [0006]; FIG. 1);

determine whether an interface address is invalid; and mitigate the invalid interface address by deactivating the network (upon receipt of a valid programID command, the tag executes the required programming memory [0133]; [0138]; interface address identifier [0024] [0030] [0033] [0048]). Smith does not teach the *specifics* on determining whether an Ethernet media access controller address is invalid and deactivating a network based on the address validity. Also does not teach the specifics wherein the interface address is an Ethernet media access controller address and the

communication module is an Ethernet network interface card. However, Connery

teaches an Ethernet media access controller and its address validity in the network

environment and teaches the interface address is an Ethernet media access controller

address in the communication module containing Ethernet media access controller (Col.

3, Line 29-60; Col.4, Line 52-67; FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the

time the invention was mad to have modified Smith by the teaching of Connery because

a media access control unit is configured for network having a certain data rate set

including speed scheme and containing instruction that are executed on the network

interface card to determine the validity of the device address. One would consider

deactivating a network by justifying the address.

Claim 17. (Canceled)

Claim 18. (Canceled)

Claim 19. (Canceled)

As per **claim 20**, smith techs the computer readable storage medium of claim 16,

wherein the computer readable code is configured to determine that the interface

address as invalid if the interface address is outside of a specified range (interface

protocol collide when tags are not within the range of the message [0003]; [0043];
[0046]; [0117]; [0167])

As per **claim 21**, smith techs the computer readable storage medium of claim 16,
wherein the computer readable code is configured to determine that the interface
address is invalid if the interface address is equivalent to a second interface address
(equivalence technique for query command to determine the validity of the of the tag
[0046])

As per **claim 22**, smith techs the computer readable storage medium of claim 16,
wherein the computer readable code is configured to determine that the interface
address as invalid if the interface address is a specified error value (specified time
interval and interface address range, master clock interval [0155]; [0199]; [0204])

As per **claim 23**, smith techs the computer readable storage medium of claim 16,
wherein the computer readable code is configured to determine that the interface
address is invalid if the interface address is received subsequent to a specified time
interval (specified time interval and interface address range, master clock interval
[0155]; [0199]; [0204])

As per **claim 24**, smith techs a method for verifying an interface address, the
method comprising:

querying an interface address (query command to specify device's location

based on their address [0005-0007]; FIG. 6, wherein the interface address is an

Ethernet

media access controller address of an Ethernet network interface card; receiving

the interface address (receive tags to identify devices and configure them among a

plurality of devices [0006]; FIG. 1);

determining that an interface address is invalid; and mitigating the invalid

interface address by deactivating the network (upon receipt of a valid programID

command, the tag executes the required programming memory [0133]; [0138]; interface

address identifier [0024]; [0030]; [0033]). Smith does not teach the *specifics* on

determining whether an Ethernet media access controller address is invalid and

deactivating a network based on the address validity. Also does not teach the specifics

wherein the interface address is an Ethernet media access controller address and the

communication module is an Ethernet network interface card. However, Connery

teaches an Ethernet media access controller and its address validity in the network

environment and teaches the interface address is an Ethernet media access controller

address in the communication module containing Ethernet media access controller (Col.

3, Line 29-60; Col.4, Line 52-67; FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the

time the invention was mad to have modified Smith by the teaching of Connery because

a media access control unit is configured for network having a certain data rate set

including speed scheme and containing instruction that are executed on the network

interface card to determine the validity of the device address. One would consider

deactivating a network by justifying the address.

   Claim 25. (Canceled)

   Claim 26. (Canceled)

   As per **claim 27**, smith techs the method of claim 24, wherein the interface

address is determined to be invalid if the interface address is outside of a specified

interface address range (interface protocol collide when tags are not within the range of

the message [0003]; [0043]; [0046]; [0117]; [0167])

   As per **claim 28**, smith techs the method of claim 24, wherein the interface

address is determined to be invalid if the interface address is a specified error value

(error value and validity of tags within the interface address, errors management and

data errors [0006]; [0007]; [0070]; [0076])

   As per **claim 29**, smith techs the method of claim 24, wherein the interface

address is determined to be invalid if the interface address is equivalent to a second

interface address (equivalence technique for query command to determine the validity

of the of the tag [0046])

As per **claim 30**, smith techs an apparatus for verifying an interface address, the apparatus comprising:

means for querying an interface address, wherein the interface address is an Ethernet media access controller address of an Ethernet network interface card;

means for receiving the interface address (query command to specify device's location based on their address [0005-0007]; FIG. 6); means for determining that an interface address is invalid (receive tags to identify devices and configure them among a plurality of devices [0006]; FIG. 1); and

means for mitigating the invalid interface address (upon receipt of a valid programID command, the tag executes the required programming memory [0133]; [0138]; interface address identifier [0024]; [0030]; [0033]; [0048]; [0070]; [0096]) by deactivating the network

Smith does not teach the *specifics* on determining whether an Ethernet media access controller address is invalid and deactivating a network based on the address validity. Also does not teach the specifics wherein the interface address is an Ethernet media access controller address and the communication module is an Ethernet network interface card. However, Connery teaches an Ethernet media access controller and its address validity in the network environment and teaches the interface address is an Ethernet media access controller address in the communication module containing Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was mad to have modified Smith by the teaching of Connery because

a media access control unit is configured for network having a certain data rate set including speed scheme and containing instruction that are executed on the network interface card to determine the validity of the device address. One would consider deactivating a network by justifying the address.

Conclusion

3.   Applicant's arguments with respect to the above presented claims have been considered but are moot in view of the new ground(s) of rejection.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelnabi O. Musa whose telephone number is 571-2701901. The examiner can normally be reached on Monday thru Friday: 7:30am to 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-2726798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.M
/JEFF PWU/ Supervisory Patent Examiner, Art Unit 2146